



## **The Planning Board Development Review Process An Abutter's Guide**

**March 2006**

The Planning Board has prepared this guide to explain what you, as an abutter to a proposed development project, can expect during the process of review of this project. It is not intended to be a legal guide, but to help you understand how to participate in hearings, get information and best communicate any concerns you may have. To reach the Planning Board, please contact our office at 978-827-4100, Ext 117 or the Town Planner at 978-827-4100, Ext 121. We are located in Town Hall, 32 Main Street.

Planning Board members are listed below:

John MacMillan, Chairman  
Robert MacLeod  
Joseph Kalagher  
Bruce Whitney  
Thomas Ruble

Eric R. Smith, Town Planner

Susan Dembek, Land Use Administrator

### **WHY AM I RECEIVING A HEARING NOTICE?**

You are receiving this hearing notice because you are an abutter (as defined by law) to a proposed development that will be reviewed by the Ashburnham Planning Board. The notice is required by statute to let you know that a public hearing is being held on the project.

### **WHO IS THE PLANNING BOARD?**

The Planning Board has five elected members and one alternate member. The Board has the responsibility to review proposed development projects and makes decisions on them in accordance with statute and local bylaws. The board holds its hearings in the evenings. Board members have a variety of backgrounds and are elected to serve on the board. They are assisted by the Town Planner and the Land Use Administrator who work in the Land Use Office during the day.

### **HOW CAN I FIND OUT MORE ABOUT WHAT IS PROPOSED?**

An application, plans and supporting materials are on file at the Land Use Office. You are welcome to review this information and may pay for copies of any information you would like to keep. If you are requesting multiple copies, you may have to fill out a Request for Public Information Form, giving the staff 14 days to produce the copies. Copies cost 20 cents/page. Our office is generally open on Mondays, 8:00am – 7:00pm; Tuesday through Thursday, 8:00am – 4:00pm and Fridays, 8:00am – 1:00pm.

## **WHAT SHOULD I EXPECT AT THE PUBLIC HEARING?**

The notice you received in the mail tells you when and where the public hearing is scheduled. It is also published in the legal notice section of The Gardner News. At the first hearing, the applicant will present plans and explain what is proposed for the Board and the audience. The Board will ask questions, generally where clarification is needed. There will be an opportunity for those in the audience to ask questions or offer opinions. Comments may also be submitted in writing. Since the Board often hears several projects in an evening, hearings last a specified period of time. At the end of this time, the hearing may be either closed or continued.

Occasionally, for simple projects, hearings can be completed in one night and are closed; meaning that no further testimony is taken. More often, hearings will be continued with direction given by the Board to the applicant on revisions to the plans or information that is needed. Continued hearings may be several weeks or months in the future depending on how long it takes the applicant to gather the required information and the Board's workload.

Occasionally, the hearing process is delayed due to weather, the absence of a Board member or at the applicant's request. To verify that a hearing is being held on a scheduled date, you can call the Land Use Office.

## **HOW CAN I MAKE MY CONCERNS KNOWN IF I CANNOT ATTEND?**

Comments can be submitted in writing prior to the close of a Public hearing. As with all testimony, it is most helpful to raise concerns early in the process.

## **WHAT HAPPENS AFTER THE HEARING?**

After the hearing is closed, no new information can be submitted. The Board deliberates and makes a decision at a posted Board meeting. The Board generally either approves a plan with conditions or denies it if it does not meet town standards. Interested individuals are welcome to attend and listen, but may not make further comments. The board makes its decisions on subdivisions waiver requests at this time. The decision is voted on and filed with the Town Clerk by the decision deadline.

## **WHAT ISSUES DOES THE BOARD CONSIDER?**

The scope of issues that the Board can consider in reviewing projects is defined by state law and town bylaws and regulations. In presenting testimony (oral or written) it is most helpful to focus on these issues.

## **WILL I BE NOTIFIED OF THE DECISION?**

Copies of subdivision decisions are not sent to abutters. Copies of special permit decisions are required by law to be sent to all abutters. You may request a copy of any decision from the Land Use Office.

**HOW CAN I APPEAL?** Appeals may be made to Superior Court (and in some cases Land Courts). For subdivision, and special permit decisions, there is a 20-day appeal period (from the date the decision is filed with the Town Clerk). You will not receive notice of any appeals filed by other parties (such as the applicant).

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## **10 SUGGESTIONS FOR PRESENTING TESTIMONY AT PUBLIC HEARINGS**

1. You should stand and state your name & address for the record each time you speak;
2. Feel free to use the proposed plan to point out concerns you may have and try to stand so that the Board can see the area which you are referring;
3. Try to state all of your questions or concerns at once and then allow the next person to speak;
4. Be polite and respectful of differing opinions;
5. While you may have questions for the applicant, you should address them to the Board. The Board may direct the applicant to keep a record of questions asked and answer them all at once;
6. Avoid personal attacks and stick to issues relating to the project and within the scope of the Board's review;
7. Don't ask to speak again until all have an opportunity to be heard;
8. It is fine to just say "I agree with Mr. Smith about traffic" rather than restating the same concerns;
9. Comments made at a hearing need not be repeated at subsequent ones unless they have not been addressed;
10. Remember that you will not be notified by mail of continued hearings, if you are interested you should attend all hearings, future hearing dates are set at the public hearing or call the Land Use Office.

## **SUBDIVISIONS**

The Board acts on subdivisions based on the authority of Massachusetts General Laws and the Planning Boards Rules & Regulations (Adopted by the Board). Plans either must comply with these requirements or the applicant must request that waivers be granted. The Board has discretion in acting on waivers to consider those that are in the best interest of the design of the project and of the town. Subdivisions must also comply with town zoning requirements. The Board will focus on issues relating to the subdivision roadway construction such as drainage, grading, erosion control, sidewalks, and curbing. The Board will also consider traffic safety and development of an overall interconnected roadway network.

## **SPECIAL PERMITS**

Currently, the Planning Board is the special permit granting authority for Open Space Residential Developments (OSRD) and Common Driveways. All special permits require a super-majority vote (four out of five) in order to be granted. Review focuses on criteria established in the Zoning Bylaws and the Planning Boards Rules & Regulations.

## **SITE PLAN REVIEW**

The Planning Board also acts on proposed commercial and other related proposals through its Site Plan Review process in accordance with the criteria established under Section 5.10 of the Town's Zoning Bylaws and the Planning Boards Rules & Regulations.

Adopted June 2004  
Revised September 2005  
Revised March 2006